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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/661,766

09/15/2003

Robert Kindermann

7271

29177 7590 11/23/2007
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EXAMINER

IBRAHIM, MOHAMED

ART UNIT	PAPER NUMBER
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2144

MAIL DATE	DELIVERY MODE
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11/23/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/661,766	Applicant(s) KINDERMANN, ROBERT	
	Examiner Mohamed Ibrahim	Art Unit 2144	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 September 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Amendment

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-6 are rejected under 35 U.S.C. 102(e) as being anticipated by Shimoosawa, U. S. Patent No. 6658456.

Regarding claim 1, Shimoosawa discloses a method for establishing a connection between a first and a second subscriber of a telecommunications network (see e.g. fig. 6 and col. 4 lines 3-8; a public switched telephone network), comprising: creating an object intended for use on a computer (see e.g. col. 1 lines 57-61; sending an e-mail); inserting an address assigned to the second subscriber in the telecommunications network (see e.g. col. 4 lines 57-65; e-mail address is required in order to compose emails); transferring the object to the first subscriber; storing the object on the computer of the first subscriber(see e.g. col. 8 lines 22-33; e-mail transmission and storage units are provided); reading out, with aid of a function which is activated by the first subscriber, the address assigned to the second subscriber in the telecommunications network (see e.g. col. 10 lines 3-4; received e-mail is activated or read); and

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establishing the connection between first and second subscriber with aid of the address, wherein the address assigned to the second subscriber in the telecommunications network is added as an attribute to the content of the object and is read out (see e.g. col. 5 lines 20-44; the transfer determination unit carries out a matching in the transfer management table for the e-mail address which the received e-mail from the sender was destined).

Claim 2 is substantially the same as claim 1 and is thus rejected for reasons similar to those in rejecting claim 1. Furthermore Shimoosawa discloses determining with aid of a function which is activated by the subscriber, the address assigned to the second subscriber in the telecommunication network using the identification included in the object (see e.g. col. 5 lines 39-63).

Regarding claim 3, Shimoosawa discloses wherein the identification included in the attribute of the object is transferred in the telecommunications network using the function activated by the first subscriber, the address of the second subscriber is determined based on the identification and the connection to the second subscriber is established (see e.g. col. 6 lines 25-37).

Regarding claim 4, Shimoosawa wherein an e-mail is provided as the object, an e-mail address of the second subscriber is included as the identification, and the address of the second subscriber in the telecommunications network is determined based on the e-

mail address (see e.g. col. 5 lines 20-28 and col. 6 lines 17-23).

Regarding claim 5, the limitation of claim 5 is substantially same as that of claim 1 and thus is rejected for reasons similar to that on claim 1.

Claim 6 list some the same elements of claim 1, but in computer form rather than method form. Therefore, the supporting rationale of the rejection to claim 1 applies equally as well to claim 6.

Response to Arguments

3. Applicant's arguments filed 9/14/2007 have been fully considered but they are not persuasive.

Applicant argues in substance,

A) Shimoosawa fails to disclose a connection between two subscribers which is triggered by an attribute which is inserted into an object.

4. In response to Applicant's argument A) the connection as currently recited in the claims doesn't specify whether there is direct and real-time connection between the recited subscribers. Thus it is noted that the features upon which applicant relies (i.e., real time or direct connection between subscribers) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Shimoosawa indeed discloses the connectivity between

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subscribers as currently recited. On figure 6, Shimoosawa discloses establishment of connectivity between facsimile and telephone through PSTN. Similarly Shimoosawa discloses receiving an e-mail from a sender subscriber, analyzing the header portion of the e-mail to obtain sender's ID, utilizing transfer management table in determining both sender's ID and targeted destination ID along with the transfer attributes of the content and finally transferring the received e-mail directly to the targeted destination, hence, establishing connection between the sender of the email and the destination through the transfer unit (see col. 4 line 45-col. 5 line19). Therefore Shimoosawa still meets the scope of the claim limitation as currently recited.

Applicant employs broad language, which includes the use of word, and phrases, which have broad meanings in the art. In addition, Applicant has not argued any narrower interpretation of the claim language, nor amended the claims significantly enough to construe a narrower meaning to the limitations. As the claims breadth allows multiple interpretations and meanings, which are broader than Applicant's disclosure, the Examiner is forced to interpret the claim limitations as broadly and as reasonably possible, in determining patentability of the disclosed invention. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir.1993).

It is the Examiner's position that the detailed functionality that allows for Applicant's invention to overcome the prior art used in the rejection, fails to differentiate in detail how these features are unique. It is advised that, in order to further expedite the prosecution of the application in response to this action, Applicant should amend the

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base claims to describe in more narrow detail the true distinguishing features of Applicant's claim invention.

Failure for Applicant to significantly narrow definition/scope of the claims and supply arguments commensurate in scope with the claims implies the Applicant intends broad interpretation be given to the claims. The Examiner has interpreted the claims with scope parallel to the Applicant in the response, and reiterates the need for the Applicant to more clearly and distinctly defines the claimed invention.

Prior Art of Record

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Please refer to form PTO-892 (Notice of Reference Cited) for a list of relevant prior art.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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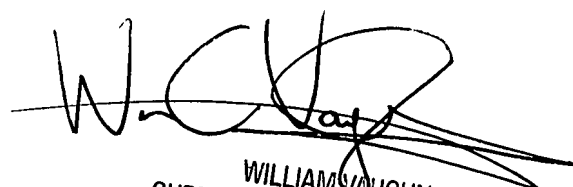
extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohamed Ibrahim whose telephone number is 571-270-1132. The examiner can normally be reached on Monday through Friday from 7:30AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William C. Vaughn, Jr. can be reached on 571-272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/MII/ *ms*


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